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**\*E-FILED - 3/31/10\***

Attorneys for the United States

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 09-00560-RMW
	)	
Plaintiff,	)	<b>STIPULATION TO CONTINUE</b>
	)	<b>SENTENCING HEARING; []</b>
v.	)	<b>ORDER</b>
	)	
JOSE LUIS CAMARENA-RODRIGUEZ,	)	
	)	
Defendant.	)	
	)	

Defendant and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for Monday, March 29, 2010 at 9:00 a.m., be continued to Monday, April 5, 2010, at 9:00 a.m. The continuance is requested to complete a sentencing recommendation.

The parties further agree that time should be excluded under the Speedy Trial Act because

1 the ends of justice served by granting the requested continuance outweigh the interest of the  
2 public and the defendant in a speedy trial. The failure to grant the requested continuance would  
3 deny defense counsel reasonable time necessary for effective preparation, taking into account the  
4 exercise of due diligence, and would result in a miscarriage of justice. The parties therefore  
5 stipulate that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and  
6 (B)(iv).

7 Dated: 3/26/2010

/s/  
MICHELLE D. SPENCER  
Defense Attorney

10 Dated: 3/26/2010

/s/  
DAVID M. PAXTON  
Assistant United States Attorney

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[XXXXXXXXXX] **ORDER**

The parties have jointly requested a continuance of the hearing set for Monday, March 29, 2010, allow time for the government to make a sentencing recommendation.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for Monday, March 29, 2010 at 9:00 a.m., be continued to Monday, April 5, 2010, at 9:00 a.m.

Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from March 29, 2010 to Monday, April 5, 2010. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

Dated: 3/31/10

  
RONALD M. WHYTE  
United States District Judge